

EXPRESS TERMS
Article 2.5
TITLE 13 Code of Regulations

§120.00. Purchase and Use of Notice of Completion Certificates.

(a) A Driving Under the Influence (DUI) Program provider shall use a Notice of Completion Certificate, ~~Form~~ DL 101 (Rev. ~~6/93~~ 12/2000), purchased from the department only for issuance submission to the department for participants who have satisfactorily completed the course of instruction offered by the provider; ~~and~~ Except as required by subdivision (g), a DUI Program provider shall not issue, sell, loan, or transfer the certificates to the program participant, any other another DUI Program provider, person, or other entity.

(b) The department shall charge a fee of ~~\$1.00~~ \$3.00 per Notice of Completion Certificate.

(c) A ~~Driving Under the Influence~~ DUI Program provider may purchase Notice of Completion Certificates in books of fifty (50) from the department's headquarters office. ~~Forward~~ Requests to purchase completion certificates shall be mailed to: Department of Motor Vehicles, Forms and Accountable Items Section - Management Unit MS G202, PO Box 932382, Sacramento, California, 94232-3820.

(1) The request to purchase ~~Notice of Completion~~ certificates shall be on ~~the letterhead stationery of the provider, a Request for DUI Program Forms, DL 101R (Rev. 04/2004), and which shall be completed in full and shall contain the printed name and original signature of the program director or any employee authorized by the program director to order completion certificates. The Request for DUI Program Forms, DL 101R (Rev. 04/2004), is herein incorporated by reference.~~

(A) A DUI p Program d Director may authorize ~~an only one~~ only one employee per licensed location to purchase or order DUI certificates and only two employees per licensed location to sign completed certificates by submitting, ~~in writing, a DUI Program Signatory Authority, DL 101S (Rev. 04/2004), which shall be completed in full and include the printed name and title of the employee, the effective date of the authorization, the employee's signature, and the DUI p Program d Director's printed name and signature. The DUI Program Signatory Authority, DL 101S (Rev. 04/2004), is herein incorporated by reference.~~

(B) A DUI p Program d Director may delete the authorization of an employee to purchase or order DUI certificates or to sign completed certificates by submitting, ~~in writing, a~~ DL 101S (Rev. 04/2004), which shall be completed in full and include the name of the deleted employee, the effective date of the deletion, and the printed name and signature of the DUI p Program d Director.

(C) The DL 101S must be submitted at least five (5) days prior to the effective date of the employee authorization or deletion.

(2) The department shall mail the completion certificates only to the address of record for the DUI p Program provider.

(A) Each DUI Program provider shall have only one address of record for each licensed location at a time, which shall be consistent with the mailing or site address given to the Department of Alcohol and Drug Programs and printed in the Directory of DUI Program Service Providers.

(B) Any changes to the DUI Program provider's address of record that occur between Directory update publications must be made, in writing, on the letterhead stationery of the DUI provider, signed by the DUI Program Director, and mailed to the Department of Alcohol and Drug Programs prior to requesting completion certificates at the new address.

(d) The DUI p Program provider shall maintain a the pink copy of the Notice Receipt of DUI Program Certificates, ADM 518A(New 5/2002) ~~receipt~~ issued by the department with each shipment of DUI certificates for the purchase as proof of receipt of completion certificates as a business record for four years from the date the ~~receipt~~ ADM 518A is issued. The Notice Receipt of DUI Program Certificates, ADM 518A (New 5/2002) is herein incorporated by reference.

(1) The DUI program provider shall sign and mail back the white copy of the ADM 518A to the Department of Motor Vehicles' Forms and Accountable Items Section as evidence of receipt of the completion certificates.

(A) Until the department receives the white copy of the ADM 518A, the department will not authorize the acceptance of the completion certificates issued under that individual ADM 518A.

(B) If the department does not receive the copy of the signed ADM 518A from the DUI Program provider within eight weeks of the shipping date, the department may cancel the completion certificates shipped under the ADM 518A, and those completion certificates will not be accepted by the department.

(2) If the department cancels completion certificates pursuant to this section, no refund of the fees for the canceled certificates will be authorized.

(e) The department shall cancel any ~~Notice of C~~ completion ~~C~~certificates for which the department received payment by check that is dishonored when presented for payment. ~~The Driving Under the Influence~~ DUI Program provider shall surrender the canceled completion certificates to the department upon notification and demand for surrender.

(f) The department shall ~~refund amounts paid by a provider owner for~~ replace in full books of fifty (50), without a charge, those ~~Notice of C~~ completion ~~C~~certificates ~~only for unused certificates on hand when the owner ceases to do business, certificates which are~~

damaged during the manufacturing and/or shipping process, or any completion certificates shipped, but not received as a full book of fifty (50).

(1) ~~To obtain a refund, If the DUI program provider chooses to request replacement~~ of the completion certificates, the provider shall complete an Application for Refund, form ADM 399 (Rev 9/87) submit a DL 101R (Rev. 04/2004), and shall complete it in full to include: the name and address of the owner (claimant), the amount of refund claimed, the date the fees were paid, a list of the numbers for the completion certificates attached for refund which replacement is requested, the reason for the refund replacement request, and a statement, signed under penalty of perjury under the laws of the State of California by the claimant DUI program director or the authorized employee, that the information contained in the replacement request is true and correct.

(2) ~~The original and second (participant's) copy of the certificates shall be attached to the application. The DUI program provider shall retain the original certificate first (court's) and third (program's) and all copies of the damaged completion certificates or those received individually as incomplete books in numerical sequence in the original book until they are destroyed pursuant to Section 9867 Subdivision (f) of Title 9, California Code of Regulations.~~

(g) When proof of completion of a DUI Program is required by the Vehicle Code, and the program participant completes all program requirements, the DUI Program provider shall complete the DMV copy of the DL 101 and submit it directly to the department. The program provider shall also submit the court copy of the DL 101 to court, and give the participant the participant copy. The department will only accept the completed original DMV copy from the program provider as acceptable proof of program completion.

(1) DUI Program providers may submit completed certificates by express mail to: Department of Motor Vehicles, Mandatory Actions Unit, 2570 24th Street -MS J 233, Sacramento, CA 95818.

(2) DUI Program providers may submit completed certificates by regular mail to: Department of Motor Vehicles, Mandatory Actions Unit, P.O. Box 942890, Sacramento, CA 94290-0001.

(3) DUI Program providers who have been authorized by the department to submit completion certificates via electronic medium may submit completion certificates electronically to the department as authorized.

(h) The Vehicle Code requirements for a person to give, provide, or submit proof of completion of a DUI Program satisfactory to the department, shall be satisfied by a program participant when he or she completes all program requirements and signs the Notice of Completion Certificate (DL 101) or the Participant's Certification of DUI Program Enrollment or Completion, DL 804 (New 4/2002), and the completed DL 101 is received by the department.

(1) The DL 804 (New 4/2002) shall be used only when the participant is unavoidably absent and therefore unavailable to sign the Completion Certificate (DL 101) at the time

it is issued by the program provider as evidence of the participant's program completion. The Participant's Certification of DUI Program Enrollment or Completion, DL 804 (New 4/2002), is herein incorporated by reference.

(2) The DL 804 shall be retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations, and shall be made available to the department immediately upon request.

(3) If an electronic completion certificate is submitted from a DUI Program provider that the department has authorized to submit completion certificates electronically, the participant's original signature which attests under penalty of perjury that he or she has completed all required DUI Program components will be captured on a DL 804 and retained by the DUI Program provider for the period required by Section 9866 of Title 9, California Code of Regulations. This document shall be made available to the department immediately upon request.

(i) The department will only accept completion certificates that contain all the information requested on the completion certificates. Incomplete or illegible certificates received by the department will be retained by the department and a DUI Program provider who submits an incomplete or illegible certificate will be required to submit a fully completed and legible certificate in place of the incomplete or illegible certificate.

(j) The department will only accept from a DUI Program provider those completion certificates that the department has assigned and shipped to that DUI Program provider, or electronic completion certificates from those program providers that the department has authorized to submit completion certificates electronically.

(k) The department will not accept completion certificates that are submitted more than four years from the date they were issued by the program provider.

NOTE: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Sections 1801, 1801.1, 13352, 13352.4, 13352.5, and 13353.4, Vehicle Code

§120.01. Acquisition and Use of Proof of Enrollment Certificates.

(a) A Driving Under the Influence (DUI) Program provider shall use a Proof of Enrollment Certificate, DL 107 (Rev. 5/2000), obtained from the department only for submission to the department, for participants who are enrolled in a course of instruction offered by the DUI Program provider. Except as required by subdivision (d), a Program provider shall not issue, sell, loan, or transfer the enrollment certificates to any other DUI Program provider, program participant, person, or entity. The Proof of Enrollment Certificate, DL 107 (Rev. 5/2000), is herein incorporated by reference.

(b) A DUI Program provider may obtain enrollment certificates in packages of fifty (50) from the department's headquarters office. Requests for enrollment certificates shall be mailed to: Department of Motor Vehicles, Forms and Accountable Items Section, M/S G202, P. O. Box 932382, Sacramento, CA 94232-3820.

(1) The request to obtain enrollment certificates shall be made on a Request for DUI Program Forms, DL 101R (Rev. 04/2004), which shall be completed in full and shall include the name, license number, and address of the DUI Program, the printed name and original signature of the program director or any employee authorized by the DUI Program Director, and the quantity of enrollment certificates requested.

(2) The department shall mail the enrollment certificates only to the address of record for the DUI Program provider.

(c) The DUI Program provider shall maintain the pink copy of the Notice Receipt of DUI Program Certificates, ADM 518A (New 5/2002), as proof of receipt of enrollment certificates as a business record for four years from the date the ADM 518A is issued.

(1) The DUI Program provider shall sign and mail back the white copy of the ADM 518A to the Department of Motor Vehicles' Forms and Accountable Items Section as evidence of receipt of the enrollment certificates.

(A) Until the department receives the white copy of the ADM 518A, the department will not authorize the acceptance of the enrollment certificates issued under that individual ADM 518A.

(B) If the department does not receive the copy of the signed ADM 518A from the DUI Program provider within eight weeks of the shipping date, the department may cancel the enrollment certificates shipped under that individual ADM 518A and those enrollment certificates will not be accepted by the department.

(d) When evidence of enrollment in a DUI Program is required by the Vehicle Code, and the program participant enrolls in a program, the DUI Program provider shall complete the DMV copy of the DL 107 and submit it directly to the department. The program provider shall also submit the court copy of the DL 107 to the court and give the participant the participant copy. The department will only accept the completed original DMV copy from the program providers as acceptable proof of program enrollment.

(1) DUI Program providers may submit completed enrollment certificates by express mail to: Department of Motor Vehicles, Mandatory Actions Unit, 2570 24th Street -MS J 233, Sacramento, CA 95818.

(2) DUI Program providers may submit completed enrollment certificates by regular mail to: Department of Motor Vehicles, Mandatory Actions Unit, P.O. Box 942890, Sacramento, CA 94290-0001.

(3) DUI Program providers who have been authorized by the department to submit enrollment certificates via electronic medium may submit enrollment certificates electronically to Department of Motor Vehicles as authorized.

(e) If an electronic enrollment certificate is submitted from a DUI Program that the department has authorized to submit enrollment certificates electronically, the participant's original signature will be captured on a Participant's Certification of DUI Program Enrollment or Completion, DL 804 (New 4/2002) and retained by the DUI

Program provider for the period required by Section 9866 of Title 9 of the California Code of Regulations. This document shall be made available to the department immediately upon request.

(f) The department will only accept enrollment certificates which contain all the information requested on the enrollment certificate. All incomplete certificates received by the department will be retained by the department and the DUI Program provider who submitted the incomplete certificates will be required to submit fully completed certificates in place of the incomplete certificates.

(g) The department will only accept from a DUI Program provider those enrollment certificates that the department has assigned and shipped to that DUI Program provider, or electronic enrollment certificates from those DUI Program providers that the department has authorized to submit enrollment certificates electronically.

NOTE: Authority cited: Sections 1651 Vehicle Code. Reference: Sections 1801, 1801.1, 13352(a)(3), 13352.5(a)(1), 13353.7, and 23152, Vehicle Code.

§120.02. Lost or Stolen Notice of Completion Certificates or Proof of Enrollment Certificates.

The Driving Under the Influence (DUI) Program director shall report in writing to the department's Forms and Accountable Items Section any lost or stolen Notice of Completion Certificates, DL 101 (Rev 12/2000), or Proof of Enrollment Certificates, DL 107 (Rev 5/2000), not later than close of the business of the day following discovery of the loss or theft. ~~The Driving Under the Influence DUI Program & Director~~ shall report any lost or stolen ~~Notice of Completion or enrollment~~ certificates to local police authorities and shall, in addition to retaining a copy in the DUI Program provider's business records, forward to the department's Forms and Accountable Items Section a copy of the police report within thirty (30) days of the discovery of the loss or theft.

NOTE: Authority cited: Sections 1651 and 13353.45, Vehicle Code. Reference: Sections 13352, 13352.5, 13353.7, and 13353.45, Vehicle Code.

§120.04. Certificates Required for First Conviction of Driving Under the Influence.

(a) When the department receives notification from a court that a driver is convicted of a first offense for driving under the influence, the violation occurred on or after January 1, 1995, and the court did not suspend the driver license, the department shall notify the driver of the date by which a Notice of Completion Certificate, DL 101 ~~(6/93)~~ (12/2000), must be submitted to the department issued by a Driving Under the Influence (DUI) Program provider, ~~must be submitted to the department.~~ If the certificate of completion is not received by the department by the date indicated in the notice, the department shall suspend the person's driving privilege until the certificate is received.

~~(a)~~ (b) The department shall determine the date the certificate of completion is due based on the ~~driving under the influence~~ DUI conviction date and the length of the ~~Driving Under the Influence~~ DUI Program the court orders the driver to attend. The department shall determine the due date for completion of the program by adding 90 days to the conviction date ~~for completion of the program~~ (or the number of months of the court ordered program, if the program length exceeds 90 days) plus an additional 120 days to allow for enrollment in the program and submission of the certificate.

~~(b)~~ (c) If the driver requests and is granted a leave of absence from attendance in a ~~Driving Under the Influence~~ DUI Program, pursuant to Section 9876.5 of Subchapter 4, Chapter 3, of Title 9, California Code of Regulations, so that the driver is unable to complete the DUI ~~p~~ Program in time to meet the certificate due date, the program ~~shall~~ may notify the department of the leave of absence by sending a letter on business letterhead indicating the name, date of birth, and driver license number of the driver and the length of the leave of absence granted. Each driver's leave of absence reported must be reported individually in a separate letter and mailed within three business days of granting it. Upon receipt of the letter, if the driver has not yet been suspended pursuant to Vehicle Code Section 13352.4, the department ~~shall~~ will extend the due date by the period of time for which the leave was granted.

~~—(c) If the program authorizes the driver to enter an extended payment plan, pursuant to Section 9878(f)(3) of Subchapter 4, Chapter 3, of Title 9, California Code of Regulations, so that the completion certificate will not be issued until after the certificate due date, the program shall notify the department of the driver's participation in the extended payment plan and the delayed issuance date by sending a letter on business letterhead indicating the name, date of birth, driver license number of the individual, and the ending date of the payment period. Upon receipt of the letter, the department shall extend the certificate due date by adding 60 days to the ending date of the payment plan, to allow time for issuance and submission of the certificate.~~

Note: Authority cited: Section 1651 and 13353.45, Vehicle Code. Reference: Section 13352.4, Vehicle Code